RESOLUTION NO. 2016-

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2016, TO FILL A VACANCY ON THE VILLAGE COUNCIL IN ACCORDANCE WITH VILLAGE CHARTER SECTION 2.05(c)(ii); PROVIDING FOR THE CONDUCT OF ELECTION; ESTABLISHING QUALIFYING PERIOD TO FILE FOR COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the death of Village Councilmember, Vice Mayor James Taintor, a vacancy has been created on the Village Council; and

WHEREAS, Pursuant to Village Charter Section 2.05(c)(ii), it is necessary to hold a special election no sooner than thirty (30) days and no more than ninety (90) days following the vacancy to fill the Council position; and

WHEREAS, in coordination with the Miami-Dade County Supervisor of Elections, the Village Council has set Tuesday, April 5, 2016 for the special election; and

WHEREAS, the Council wishes to provide for a qualifying period for any persons wishing to fill the vacancy as required by Section 2-101(b) of the Village Code.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

Section 2. **Special Election Called.** That a special election is hereby called for Tuesday, April 5, 2016 for the purpose of electing a person to the Village Council to fill the vacancy created by the death of James Taintor, and to serve the unexpired portion of the term of Councilmember Taintor.

Section 3. **Qualifying.** That it shall be the duty of any person desiring to become a candidate for election to the office of the Village Council, for the Council seat vacancy sought to be filled by this special election, to file a written notice of candidacy with the Village Clerk during the qualifying period (the "Qualifying Period") commencing at 8:30 a.m. on Monday, February 1, 2016, and expiring at 4:30 p.m. on Monday, February 8, 2016, accompanied by the qualification fee required by Section 2.04 of the Village Charter and the additional election assessment (if any) imposed by Florida Statues. The place of qualification shall be the Office of the Village Clerk and the hours of qualifying during the Qualifying Period shall be from 8:30 a.m. to 4:30 p.m. during each day of the Qualifying Period, excluding Saturday and Sunday. Only electors of the Village who have resided continuously in the Village for at least one (1) year preceding the date of such filing shall be eligible to hold the office of Councilmember, as provided by Section 2.04 of the Village Charter.

Section 4. **Election Procedure.** That the special election shall be held and conducted in the manner prescribed by law for holding elections. Places of voting in such special election shall be the designated places of voting within the Village for general elections, unless otherwise provided by the Village Council or the Miami-Dade County Supervisor of Elections. The polls shall be open at such voting places on the date of such special election from 7:00 a.m. to 7:00 p.m. on said day. All qualified electors residing within the Village shall be entitled, qualified and permitted to vote at such special election.

Section 5. **Registration Books.** That the registration books of the Village, under the supervision of the Miami-Dade County Supervisor of Elections shall be closed for a period of twenty-nine (29) days before said election and shall remain closed subsequent to the election as provided by law.

Section 6. **Village Clerk.** That the Village Clerk, acting as the local supervisor of elections, is hereby authorized and directed to file and cause to be published a notice of election as provided by law, and to take all other action necessary for the designation of election inspectors and clerks, printing and delivery of ballots and other actions. The Village Clerk is further authorized and directed to make appropriate arrangements with the Miami-Dade County Supervisor of Elections for the use of the necessary voting machines and for the preparation, printing and delivery of the official ballots for use in said voting machines and any additional service necessary for the conduct of the election.

Section 7. **Notice of Election.** That the notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Village at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be accomplished by publication in substantially the following form:

VILLAGE OF KEY BISCAYNE
NOTICE OF SPECIAL ELECTION

All interested persons are hereby advised that the Village Council of the Village of Key Biscayne, Florida (the "Village") has called a Special Election to be held in the Village on Tuesday, April 5, 2016, for the election of a Councilmember to fill a vacancy in the Council. The polls will open from 7:00 a.m. to 7:00 p.m. on the date of the election.

A copy of the Resolution calling the Special Election is available for inspection at the Office of the Village Clerk located at Village Hall, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149 during regular business hours.

Section 8. **Test of Equipment.** That pursuant to Section 101.5612, Florida Statutes, a logic and accuracy test will be conducted on the automatic tabulating equipment to be used in this special election as determined by the Miami-Dade County Supervisor of Elections.

Section 9. **Effective Date.** That this Resolution shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on this 12th day of January, 2016.

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MAYOR MAYRA PEÑA LINDSAY

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
VILLAGE ATTORNEY